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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,407	02/07/2002	Katsuhiko Araki	04329.2727	7313
7590 12/16/2004 Finnegan, Henderson, Farabow Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			EXAMINER DO, ANH HONG	
			ART UNIT 2624	PAPER NUMBER

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,407

Applicant(s)

ARAKI, KATSUHIKO

Examiner

ANH H DO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/07/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Benear et al. (U.S. Patent No. 6,504,995).

Regarding claim 1, Benear discloses:

- a storage device 20 configured to store digital data (Fig. 1);
- an input device (corresponding to compressor 24) configured to set a compression ratio of the stored digital data (Fig. 1);
- a writing device (corresponding to compressor 24) configured to write the set compression ratio as additional data for the stored digital data to storage device 20 (Fig. 1).

Regarding claim 2, Benear teaches:

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- a compression device 24 configured to compress the stored digital data in accordance with the additional data (i.e., the compression ratio) (Fig. 1).

Regarding claims 3 and 4, Benear teaches:

- the writing device (corresponding to compressor 24) writes/changes the additional data (i.e., the compression ratio) after the storage device 20 stores the digital data (Fig. 7).

Regarding claim 7, Benear discloses computer readable program code to perform the steps as discussed in claim 1 above (col. 3, lines 19-23, and Fig. 5: computer 108).

Regarding claim 8, Benear teaches:

- computer readable program code (col. 3, lines 19-23) for causing a compression device 24 configured to compress the stored digital data in accordance with the additional data (i.e., the compression ratio) (Fig. 1).

Regarding claims 9 and 10, Benear teaches:

- computer readable program code (col. 3, lines 19-23) for causing the writing device (corresponding to compressor 24) writes/changes the additional data (i.e., the compression ratio) after the storage device 20 stores the digital data (Fig. 7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benear et al. (U.S. Patent No. 6,504,995) in view of Mead (U.S. Patent No. 5,708,473).

Regarding claims 5 and 6, Benear teaches:

- storage device 106 stores/saves a plurality of frames of compressed image data (Fig. 5), which is compressed audio (i.e., music) data comprising a plurality of tunes (col. 6, lines 20-22);

- input device 104 sets a recompression ratio of the compressed image/music data stored in said storage device 106 for each frame (col. 6, lines 39-41);

- writing device 104 writes the recompression ratio for each frame/tune as an additional data in said storage device 106 (Fig. 5 and col. 6, lines 41-46).

Benear does not disclose expressly a device configured to recompress the compressed image/music data stored in said storage device according to the additional data and store the recompressed image data in said storage device.

Mead discloses device 28 configured to recompress the compressed image/music data stored in said storage device 22 according to the additional data and store the recompressed image data in said storage device 22 (Fig. 1).

Benear & Mead are combinable because they are from storing compressed image data.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to employ a recoder 28 in Benear as taught by Mead.

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The suggestion/motivation for doing so would have been the significant reduction of the storage requirement of permanent files and the permanent storage is lossless (Mead, col. 7, lines 48-52).

Therefore, it would have been obvious to combine Benear with Mead to obtain the invention as specified in claims 5 and 6.

Regarding claims 11 and 12, Benear discloses computer readable program code to perform the steps as discussed in claims 5 and 6 above (col. 3, lines 19-23, and Fig. 5: computer 108).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H DO whose telephone number is 703-308-6720. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID K MOORE can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

December 13, 2004.

A handwritten signature in black ink, appearing to read 'Anh Hong Do', with a long horizontal flourish extending to the right.

ANH HONG DO
PRIMARY EXAMINER